

**Department of Mental Health
Exceptions Committee Meeting**

October 17, 2003

Minutes

In attendance were Rosie Anderson Harper, Julie Carel, Jodi Frederick, Rebecca Carson, Terry Jackson, Donna Haley, and coordinator Rich Overmann.

Swope Parkway Health Center requested an exception on behalf of Doris Jackson under 9 CSR 10-5.190. The committee first considered this request in June 2003 and requested additional information. The following is an excerpt from the June minutes.

Swope Parkway Health Center requested an exception on behalf of Doris Jackson under 9 CSR 10-5.190. She is disqualified from employment due to two felony robberies, one in 1979 and another in 1990. The committee noted that Ms. Jackson's Criminal History Record is dated April 20, 2001 and indicates that she was put on parole in January of 2001. The committee requested an updated copy of Ms. Jackson's Criminal History Record and more information about her current probation status.

With receipt of additional information, the committee renewed its consideration at the October meeting. The committee noted Ms. Jackson's statement that she is in her eighth year of sobriety. However, the criminal record history indicates that she received a suspended imposition of sentence for a drug-related crime in January of 2001. She was released from probation on August 25, 2003. The committee denied the request.

North Star Recovery requested an exception from the requirements for Child Care Coordinator under 9 CSR 30-3.190(4)(B)1. The request is on behalf of an employee, Shawna Bergman who has a degree but not in the required field. The committee noted that this is not a counseling position and that Ms. Bergman has many years of experience as a child care provider, counselor and teacher that will be helpful in fulfilling the functions of a Child Care Coordinator.

Elmer Davis, a private individual, requested an exception on his own behalf under 9 CSR 10-5.190. He is disqualified from employment due to a crime of first degree robbery in 1968. He subsequently committed second degree burglary (1980) and "drug violation-sell". He was paroled in 1993 and his sentence was complete in 1996. He applied previously in June 2001. At that time the committee requested additional information which Mr. Davis did not produce. At the meeting on October 17, 2003 the committee requested an updated Criminal Record History.

Arthur Center requested a waiver of QMHP requirements under 9 CSR 10-7.140(2), on behalf of an employee Bill Rudroff. He has a master's degree but it is not in a related field. This repeats a previous request in September of 2001, which the committee denied. At the October 2003 the committee denied the request because the duties of a QMHP require a master's degree as stipulated in the rule/

Delores Simmons, a private individual, requested an exception under 9 CSR 10-5.190 on her own behalf, because she is disqualified from employment due to a crime of first degree robbery in 1995. The committee considered the same request in August of 2002 with the following results.

Hab Care, Sikeston, MO. An employee of this agency, Delores Simmons, requested an exception under 9 CSR 10-5.190. She pleaded guilty to first degree robbery in February of 1996. For five and one-half years she has been employed at Hab Care providing direct support services to persons who are developmentally disabled in their own homes. In her letter to the committee she stated that Hab Care has recently dismissed her due to the felony, even though she advised the agency of her criminal background at the time she was hired. The application for exception contained a letter of reference on the letterhead of the agency but did not indicate that the agency would rehire her if the exceptions were granted. The committee denied the request because of the violent nature of the crime and her work with Hab Care involved her being alone with clients in their homes.

At the October 2003 meeting, the committee noted that Ms. Simmons stated her desire to resume employment at Hab Care. This agency supports vulnerable clients in their own homes. Citing the violent nature of Ms. Simmons's crime the committee denied the request.

Gibson Recovery Center requested an exception from 9 CSR 10-7.120 which requires the certified premises to be barrier free. The agency is considering opening a new office in a building where the restroom does not meet the barrier-free requirement. The request states that if the agency receives a request for services from someone who is in a wheelchair, the agency would be able to serve that person in another office about 25 minutes away. The committee approved an exception with three conditions. (1) The exception is limited to two years, not to be renewed. (2) The agency will arrange transportation to the Perryville office for any prospective client who is confined to a wheelchair. (3) The exception applies to the certification rule under 9 CSR 10-7.120(3) and may not be construed to waive any applicable federal requirements under the Americans with Disabilities Act.

Phoenix Programs Inc., Columbia, requested an exception under 9 CSR 10-5.190 on behalf of Howard Ross who is disqualified from employment due a crime of first degree burglary. The committee approved the request with the

condition that it applies only to Mr. Ross' employment at Phoenix Programs Inc. and is not transferable to other agencies.

October 17, 2003

Elmer Davis
9309 Bales #302
Kansas City, MO 64132

Dear Mr. Davis:

On October 17, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated September 22, 2003. The committee noted that the Criminal History Record was dated 1999 and requested an updated copy of the record.

. If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely.

Richard H. Overmann
Exceptions Committee Coordinator

Cc Charles Megerman

October 17, 2003

Edward Reidel, LCSW
Vice President
Arthur Center
321 West. Promenade
Mexico, MO 65265

Dear Mr. Riedel:

On October 17, 2003, the Department of Mental Health Exceptions Committee reviewed your request for waiver, which we received on September 22, 2003, regarding Mr. Bill Rudroff. The committee did not approve an exception for Mr. Rudroff to serve as a qualified mental health professional because the duties of this position require an education background as stipulated in the rule.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

October 17, 2003

Jamie Wehmeyer, LCSW
North Star Recovery
2801 Wyandotte
Kansas City, MO 64108

Dear Ms. Wehmeyer:

On October 17, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated September 10, 2003 regarding Shawna Bergman. The committee approved the request to allow Ms. Bergman to serve as Child Care Coordinator under the supervisory arrangements presented in your request.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

October 17, 2003

Ronald Hughes, Residential Manager
Swope Parkway Health Center
3801 Blue Parkway
Kansas City, MO 64130-0435

Dear Mr. Mr. Hughes:

On October 17, 2003, the Department of Mental Health Exceptions Committee reviewed the additional information you submitted in relation to your request for an exception for Doris Jackson. The committee did not approve the request, noting that Ms. Jackson's criminal record shows a long pattern of criminal activity, the most recent of which resulted in a suspended imposition of sentence in January of 2001.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Oct 17, 2003

Deborah L. Beste
Phoenix Programs, Inc.
409 Vandiver West, Bldg #7
Suite #101
Columbia, MO 65202

Dear Ms. Beste:

On October 17, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated October 1, 2003 regarding rule 9 CSR 10-5.190. The committee approved the request with the condition that it applies only to Mr. Ross' employment at Phoenix Programs Inc. and is not transferable to other agencies.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc Barbara Keehn

October 17, 2003

Delores Simmons
604 Dempster St
Sikeston, MO 63801-6130

Dear Ms. Simmons :

On October 17, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated September 30, 2003. The committee did not approve the request due to the violent nature of the crime you committed and the vulnerability of persons who are mentally retarded or developmentally disabled.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

October 17, 2003

Scott Doty, Clinical Director
Gibson Recovery Center, Inc.
P. O. Box 1267
1112 Linden St.
Cape Girardeau, MO 63703-1267

Dear Mr. Doty :

On October 17, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated September 11, 2003 regarding rule 9 CSR 10-5.210. The committee approved an exception with three conditions. (1) The exception is limited to two years, not to be renewed. (2) The agency will arrange transportation to the Perryville office for any prospective client who is confined to a wheelchair. (3) The exception applies to the certification rule under 9 CSR10-7.120(3) and may not be construed to waive any applicable federal requirements under the Americans With Disabilities Act.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator